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January 22, 2008

Magistrate Judge Joan M. Azrack  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East – Room 1210S  
Brooklyn, New York 11201

Re: Golden Bay Enterprises v. Wal-Mart Stores, Inc.  
C.A. No. CV-00-6977 (CBA) (JMA)

Dear Judge Azrack:

The above-referenced action was settled pursuant to a Settlement Agreement between the parties dated September 20, 2004 and a Stipulation of Dismissal was ordered by the Court on October 13, 2004. Copies of the Settlement Agreement and Stipulation of Dismissal are attached hereto. Pursuant to the Stipulation of Dismissal, the Court retained jurisdiction over the parties as to the settlement.

A dispute has arisen between the parties regarding compliance with the Settlement Agreement with each party having a different interpretation of the import of the agreement. It is plaintiff's position that defendant has not complied with the Settlement Agreement but the defendant is in disagreement with plaintiff's position. The parties have exchanged some correspondence relating to the Settlement Agreement but have not been able to resolve their dispute.

Plaintiff wishes to pursue its option under the Stipulation of Dismissal and therefore plaintiff is filing a Motion to Reopen simultaneously herewith. We look forward to the court's instructions and if a conference is needed to discuss this Motion.

Letter to Magistrate Judge Joan M. Azrack  
United States District Court  
Eastern District of New York  
January 22, 2008

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Thank you for your consideration in this matter.

Respectfully submitted,



James W. Badie

JWB/ns  
Enclosure

cc: John James McGlew, Esq.  
Mr. James Hsi